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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,374	09/26/2003	Andy Aaron	YOR920030202US1 (8728-626)	8515
46069 7590 04/02/2008 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER ARMSTRONG, ANGELA A	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 04/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,374	<b>Applicant(s)</b> AARON ET AL	
	<b>Examiner</b> ANGELA A. ARMSTRONG	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-11,14,15,17-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-11,14,15,17-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6, 9, 13-16, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumelsky in view of Applicant's Admitted Prior Art (AAPA).

Lumelsky discloses a text-to-speech and prosody based authoring system, which includes a speech analyzer responsive to a spoken utterance. The speech analyzer generates a speech signal representative of one or more prosodic parameters associated with a speaker. A text-to-speech converter, responsive to a text signal generates a phonetic representation signal from the text signal and synthesizes a speech signal from the text signal.

Regarding claims 1, and 4-5, Lumelsky discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for speech synthesis, the method steps comprising: determining prosodic parameters of a spoken utterance; automatically generating a marked-up text corresponding to the spoken utterance using the prosodic parameters; and generating a synthetic waveform using the mark-up text (col. 8, line 52 continuing to col. 17, line 16). Lumelsky discloses the instructions for determining prosodic parameters comprise instructions for determining pitch contour, duration contour or energy contour information of the spoken utterance, or any

combination thereof (col. 8, line 52 continuing to col. 17, line 16). Lumelsky does not specifically teach an alignment process for aligning the spoken utterance with a corresponding text string. However, aligning a spoken utterance with a corresponding text string was well known in the art. Applicant's admitted prior art (AAPA) specifically indicates implementation of Viterbi alignment was well known in the art. It would have been obvious to one of ordinary skill at the time of the invention to implement alignment processing in the system of Lumelsky, for the purpose of providing improved marked text with appropriate prosodic information so as to generate more natural and realistic synthetic speech.

Regarding claim 7, Lumelsky discloses instructions for automatically generating a marked-up text comprises instructions for directly specifying the prosodic parameters as attribute values for mark-up elements (col. 8, line 52 continuing to col. 17, line 16).

Regarding claim 8, Lumelsky discloses instructions for automatically generating a marked-up text comprises instructions for assigning abstract labels to the prosodic parameters to generate a high-level mark-up (col. 8, line 52 continuing to col. 17, line 16).

Regarding claim 10, Lumelsky discloses processing phonetic content of the spoken utterance to generate the synthetic waveform having a desired pronunciation (col. 8, line 52 continuing to col. 17, line 16).

Regarding claim 9, Lumelsky does not specifically teach the marked-up text is generated using SSML (speech synthesis markup language). AAPA specifically indicates implementation of SSML for use on the Internet was known. It would have been obvious to one of ordinary skill at the time of the invention to implement SSML in the system of Lumelsky, for the purpose of providing high quality synthetic speech for use with Internet applications and resources.

Regarding claims 25-26, the combination of Lumelsky and AAPA prior art does not specifically teach producing cepstra feature vectors when the acoustic features are extracted. However, producing cepstra feature vectors from feature extraction was well known in the art of speech and signal processing and it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Lumelsky to implement producing cepstra feature vectors, as was well known in the art, for the purpose of generating quality coefficients to be used in the system processing so as to ensure the best quality speech is synthesized.

Regarding claims 11, 14-15, 17-19, 20-23, and 27-28; claims 11, 14-15, 17-19, 20-23 and 27-28 are methods and system claims similar in scope and content to program claims 1, 4-5, 7-10, and 25-26 and are therefore rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments filed January 3, 2008 have been fully considered but they are not persuasive. Applicant argues the teachings of Lumelsky and AAPA fails to disclose or suggest the limitations of claims 1 and 11. The Examiner cannot concur. Lumelsky discloses a text-to-speech and prosody based authoring system, which includes a speech analyzer responsive to a spoken utterance. The speech analyzer generates a speech signal representative of one or more prosodic parameters associated with a speaker. A text-to speech converter, responsive to a text signal generates a phonetic representation signal from the text signal and synthesizes a speech signal from the text signal. Further, one of ordinary skill recognizes that aligning a spoken utterance with a corresponding text string was well known in the art. Additionally, Applicant's admitted prior art (AAPA) specifically indicates implementation of Viterbi alignment was well

known in the art. Accordingly, the Examiner contends that one of ordinary skill would recognize the advantages of implementing alignment processing in the system of Lumelsky, for the purpose of providing improved marked text with appropriate prosodic information so as to generate more natural and realistic synthetic speech.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/  
Primary Examiner, Art Unit 2626